

Testimony
SB 2082 – Department of Human Services
Senate Judiciary Committee
Senator Nething, Chairman
January 12, 2011

Chairman Nething and members of the Senate Judiciary Committee, I am Julie Hoffman, Administrator of Adoption Services for Children and Family Services Division in the ND Department of Human Services. Thank you for the opportunity to provide testimony for SB 2082. The Department supports the passage of SB 2082.

SB 2082 would make the records related to an identified relinquishment of parental rights under North Dakota Century Code 14-15.1 confidential and therefore not available to the general public via the Supreme Court's web site district court case search tool. Once published on this site, records, including identifying information, are available to the general public searching the web site. Additionally, as I understand it, these public records may also be purchased by entities doing district court records searches for the purposes of their investigation.

The Department and licensed child placing agencies have always operated under the practice that while the identities of the parties are disclosed to one another, the information is not available to the general public.

Last year, the Department was made aware of a situation where a religious entity completing a background check on a prospective employee was made aware of that individual's having relinquished a child for adoption some years earlier. The individual's name, the name of the adoptive parents and the name of the child were all published on the Supreme Court web site. Since the person completing the background

check also served on the board of the local child placing agency who was involved in this identified adoption, he brought this discovery to the agencies attention and in turn the Department was alerted. The Department learned that information in district court files filed under this statute are considered child custody proceedings and are therefore available to the public. In that particular case and after the department expressed our concern, the local district court clerk did remove that information from public scrutiny; however, the Department has no way of knowing how many other such cases exist. The Supreme Court advised that a statutory change would be necessary to make these records confidential and not available to the public. The Department therefore supports the passage of SB 2082.

Thank you for your time today. I would be happy to answer any questions the committee may have at this time, or to provide additional information as you may need.